

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SARAH PALIN, an individual,

Plaintiff,

– against –

THE NEW YORK TIMES COMPANY,
a New York corporation, and JAMES
BENNET, an individual,

Defendant.

No. 17 Civ. 4853

Hon. Jed S. Rakoff

ECF Case

**PLAINTIFF’S STATEMENT REGARDING
FILING OF DECLARATION OF SHANE VOGT [DOC. 109]**

Plaintiff, Sarah Palin (“Gov. Palin”), by counsel and pursuant to ECF Rule 23.5(c), hereby gives notice that the filing of the Declaration of Shane Vogt [Doc. 109], filed in support of Plaintiff’s Response to Defendants’ Statement of Material Facts & Counterstatement of Material Facts [Doc. No. 108], was delayed due to technical issues occurring late on the night of July 10, 2020. As set forth in **Exhibit 1** (ECF Notice of Filing for Doc. No. 108), Plaintiff filed Doc. 108 at approximately 11:16 p.m. and immediately began uploading its supporting Declaration and exhibits [Doc. No. 109] for filing. Because of the volume of exhibits, that process took an extended amount of time. Plaintiff initiated the filing twice before midnight, but there were technical issues that led to the filings being rejected [**Exhibit 2** (ECF Notices re. error code)]. After that occurred, and additional attempts to resolve the technical issues were unsuccessful, the ECF system went offline [**Exhibit 3**]. After the second attempt to file Doc. No. 109 was unsuccessful, Plaintiff’s counsel served a copy of what has now been filed as Doc. No. 109, including a link to access all of its exhibits[**Exhibit 4** (12:40 a.m. service email).]. Doc. No. 109 was filed as soon as practicable after the ECF system came back online.

Dated: July 11, 2020.

/s/ Shane B. Vogt

Kenneth G. Turkel (admitted *pro hac vice*)

Email: kturkel@bajocuva.com

Shane B. Vogt (admitted *pro hac vice*)

Email: svogt@bajocuva.com

BAJO | CUVA | COHEN | TURKEL

100 North Tampa Street, Suite 1900

Tampa, Florida 33602

Telephone: (813) 443-2199

Facsimile: (813) 443-2193

Michael M. Munoz

E-mail: mmunoz@golenbock.com

GOLENBOCK EISEMAN ASSOR BELL

& PESKOE LLP

711 Third Avenue

New York, NY 10017

Telephone: (212) 907-7300

Facsimile: (212) 754-0330

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that Plaintiff's Statement Regarding Filing of Declaration of Shane Vogt was filed electronically on July 11, 2020. This Notice will be sent by operation of the Court's electronic filing system to counsel of record for all parties as indicated on the electronic filing receipt. Parties and their counsel may access this filing through the Court's system.

/s/ Shane B. Vogt

Attorney

EXHIBIT 1

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Friday, July 10, 2020 11:17 PM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:17-cv-04853-JSR Palin v. The New York Times Company Counter Statement to Rule 56.1

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Vogt, Shane on 7/10/2020 at 11:16 PM EDT and filed on 7/10/2020

Case Name: Palin v. The New York Times Company
Case Number: [1:17-cv-04853-JSR](#)
Filer: Sarah Palin
Document Number: [108](#)

Docket Text:

COUNTER STATEMENT TO [97] Rule 56.1 Statement. Document filed by Sarah Palin..(Vogt, Shane)

1:17-cv-04853-JSR Notice has been electronically mailed to:

David A. Schulz schulzd@ballardspahr.com, appell@ballardspahr.com, LitDocket_East@ballardspahr.com

David L. Axelrod axelrodd@ballardspahr.com

Jacquelyn Nicole Schell schellj@ballardspahr.com, appell@ballardspahr.com, LitDocket_East@ballardspahr.com

Jay Ward Brown brownjay@ballardspahr.com, LitDocket_East@ballardspahr.com

Kenneth G. Turkel kturkel@bajocuva.com, tdeleo@bajocuva.com

Lee Levine levinel@ballardspahr.com, LitDocket_East@ballardspahr.com

Michael D. Sullivan sullivanm@ballardspahr.com, LitDocket_East@ballardspahr.com

Michael McGee Munoz mmunoz@golenbock.com, courtnotifications@golenbock.com

Shane B. Vogt svogt@bajocuva.com, garnold@bajocuva.com, lisa.meriwether@bajocuva.com

Thomas Byrne Sullivan sullivant@ballardspahr.com, appell@ballardspahr.com, baileys@ballardspahr.com,
LitDocket_East@ballardspahr.com, relyear@ballardspahr.com

1:17-cv-04853-JSR Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=7/10/2020] [FileNumber=24268299-0] [65941631a668aab81213d61bbc8e60e3aa98691be6a254b651637328e3af2f18ca3703d3295ebc718ccf6d77540f4d540fac5221e15eaedb89c84d4d2c70a043]]

EXHIBIT 2

From: Gayla Arnold <garnold@bajocuva.com>
Sent: Friday, July 10, 2020 11:54:06 PM
To: Shane Vogt <shane.vogt@bajocuva.com>
Subject:

ECFREOPEN

ERROR: Document is malformed or contains code which may cause an external action (such as launching an application). This PDF document cannot be accepted.

Error File: C:\fakepath\Exhibit 9.pdf

Submitted Entries

EXHIBIT 3



Welcome to the U.S. District Court for the Southern District of New York

[Southern District of New York Version 1.2 NextGen - Document Filing System](#)

The web link above will redirect you to the Public Access to Court Electronic Records (PACER) public access system.

IMPORTANT - The Southern District of New York is a NextGen ECF court. Persons wishing to electronically file with the court must do so through the PACER system. You will need an upgraded PACER account that has been linked to this court.

[For more information on NextGen ECF click here.](#)

SDNY ECF Service Interruption Notice for July 11, 2020

Please be advised the Court's Electronic Case Filing (ECF) system will be unavailable from

6:00 A.M. to 7:00 P.M. on Saturday, July 11, 2020.

During this time, the ECF system will be unavailable to all users (court staff, ECF filers, and PACER).

Filers are directed to section 23.6 of the Court's [ECF Rules & Instructions](#) for information regarding technical issues that prevent timely filing.

Effective April 1, 2020, the rules for electronic filing have changed.

Click here to visit the court's [ECF Rules & Instructions](#).

All filings concerning the Application of the Commonwealth of Puerto Rico pursuant to Title III of PROMESA are to be filed in the District of Puerto Rico (<https://ecf.prb.uscourts.gov>).

Important Note - "It remains the duty of the attorney for a party to review regularly the docket sheet of the case" (ECF Rule #9).

Go to <https://nysd.uscourts.gov/rules/ecf-related-instructions> for Electronic Case Filing Rules & Instructions, forms, training information and to sign up for notification of important ECF related news including interruptions in service.

14December2018

[Court Information](#)

EXHIBIT 4

From: Gayla Arnold
Sent: Saturday, July 11, 2020 12:40 AM
To: 'schulzd@ballardspahr.com'; 'sullivant@ballardspahr.com'; 'sullivanm@ballardspahr.com'; 'levinel@ballardspahr.com'; 'brownjay@ballardspahr.com'; 'axelrodd@ballardspahr.com'; 'schellj@ballardspahr.com'
Cc: Shane B. Vogt (Shane.Vogt@bajocuva.com); Ken Turkel; David Hayes; Lisa Meriwether; Teri Deleo; 'mmunoz@golenbock.com'
Subject: Palin/NYT - Service of Declaration
Attachments: Declaration of Shane Vogt.pdf

Court:	U.S. District Court – Southern District of New York
Case No:	17cv4853 (JSR)(DCF)
Plaintiff(s):	Sarah Palin, an individual
Defendant(s):	The New York Times Company, a New York corporation, and James Bennet, an individual
Document(s) being served:	Declaration of Shane Vogt Exhibits to Declaration: https://bcct.sharefile.com/d-sd49d3ed08cc4146a
Sender's Name:	Shane B. Vogt
Sender's Phone Number:	813.443.2199
Note:	Attempted twice to docket w/ the Court and received PDF errors (see below). Will attempt again to docket tomorrow and will contact the Clerk on Monday.

Gayla Arnold
 Legal Assistant
 Bajo | Cuva | Cohen | Turkel
 100 N. Tampa Street, Suite 1900
 Tampa, Florida 33602
 P: 813.868.6172 | F: 813.443.2193
garnold@bajocuva.com

From: Gayla Arnold <garnold@bajocuva.com>

Sent: Friday, July 10, 2020 11:54:06 PM

To: Shane Vogt <shane.vogt@bajocuva.com>

Subject:

ECF,REOPEN

ERROR: Document is malformed or contains code which may cause an external action (such as launching an applicat

Error File: C:\fakepath\Exhibit 9.pdf

Submitted Entries